

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TODD L. JOHNSON,

Plaintiffs,

-v-

CLIFF MCCALLUM ET AL,

Defendants.

23 Civ. 7879 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On May 20, 2024, defendant filed a motion to dismiss the complaint under Rule 12 of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a plaintiff has 21 days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that plaintiff shall file any amended complaint by June 10, 2024. No further opportunities to amend will ordinarily be granted. If plaintiff does amend, by July 1, 2024, defendant shall: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying plaintiff, stating that they rely on the previously filed motion to dismiss.<sup>1</sup>

It is further ORDERED that if no amended complaint is filed, plaintiff shall serve any opposition to the motion to dismiss by June 10, 2024. Defendants' reply, if any, shall be served by June 24, 2024. At the time any reply is served, the moving party shall supply the Court with two (2) courtesy copies of all motion papers by mailing or delivering them to the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York 10007.

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<sup>1</sup> If defendants file a new motion to dismiss or rely on their previous motion, plaintiff's opposition will be due 14 days thereafter, and defendants' reply, if any, will be due seven days after that.

By separate order, the Court will refer the pending motion to Magistrate Judge Gary Stein for a Report and Recommendation.

SO ORDERED.

A handwritten signature in cursive script, reading "Paul A. Engelmayer", is written over a horizontal line.

PAUL A. ENGELMAYER  
United States District Judge

Dated: May 21, 2024  
New York, New York